

MR2919-9/C

Prel. Amdt. dated 29 September 2003

Continuation of Parent Appl. No. 09368,637

IN THE CLAIMS:

This listing of Claims will replace all prior versions, and listings, of Claims in the subject Patent Application:

Listing of Claims:

1-42. (Canceled)

43. (New) An apparatus for dynamically allocating a data rate for wireless communication, comprising:

a first transceiver; and

a second transceiver,

the first transceiver including means for transmitting data at a first power level and a first data rate to said second transceiver,

the second transceiver including:

second means for receiving the first data;

second means for sensing a received power level of the received data;

second means for transmitting second data at a second power level and a second data rate to said first transceiver; and

second means for determining the second data rate at which to transmit the second data, said second data rate determined based upon the received power level of the received data and being different from the first data rate.

44. (New) A method of dynamically allocating a data rate for wireless communication between a first transceiver and a second transceiver comprising the steps of:

transmitting data at a first power level and a first data rate from a first transceiver to a second transceiver;

receiving the data at the second transceiver;
sensing the received power level of the received data;
determining a second data rate different from the first data rate at which to transmit other data, said second data rate determined based upon the received power level of the received data; and
transmitting the other data at the second data rate and a second power level, from the second transceiver to the first transceiver; and further including the steps of:
receiving the other data at the first transceiver.

45. (New) The method according to claim 44 wherein the second power level is different than the first power level.

46. (New) A method of dynamically allocating a data rate for wireless communication between a first transceiver and a second transceiver comprising the steps of:

transmitting data at a first power level and a first data rate from a first transceiver to a second transceiver;
receiving the data at the second transceiver;
sensing the received power level of the received data;
determining a second data rate different from the first data rate at which to transmit other data, said second data rate determined based upon the received power level of the received data, and wherein said step of determining occurs without the occurrence of a specific request for a data rate change; and
transmitting the other data at the second data rate and a second power level, from the second transceiver to the first transceiver; and further including the step of:
receiving the other data at the first transceiver.

47. (New) The method according to claim 46 wherein the second power level is different than the first power level.

48. (New) The apparatus according to claim 43 wherein the second data rate is chosen from one of a plurality of predetermined data rates.

49. (New) The method according to claim 44 wherein the steps of sensing the received power level of the received data and determining the second data rate are performed by the second transceiver.

50. (New) The method according to claim 44 wherein the step of transmitting the other data will transmit at the second data rate that is chosen from one of a plurality of predetermined data rates.

51. (New) The method according to claim 46 wherein the steps of sensing and determining are performed by the second transceiver.

52. (New) The apparatus according to claim 43, wherein each of the means for transmitting data transmits using the 5.725-5.825 GHz band.

53. (New) The apparatus according to claim 43, wherein each of the means for transmitting the data transmits using one of the 5.25-5.35 GHz and 5.15-5.25 GHz bands.

54. (New) The apparatus according to claim 43, wherein the first power level is greater than the second power level.